

PTO/SB/81 (09-03)

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|---|-----------------------------|---|
| <b>POWER OF ATTORNEY<br/>and<br/>CORRESPONDENCE ADDRESS<br/>INDICATION FORM</b> | <b>Application Number</b>   | 10/722,849  |
|   | <b>Filing Date</b>          | November 26, 2003   |
|   | <b>First Named Inventor</b> | Jing MA   |
|   | <b>Title</b>                | ANTIBODIES SPECIFIC FOR CANCER ASSOCIATED<br>ANTIGEN SM5-1 AND USES THEREOF |
|   | <b>Art Unit</b>             | 1614  |
|   | <b>Examiner Name</b>        | Not Yet Assigned  |
|   | <b>Attorney Docket No.</b>  | 549062000100  |

I hereby appoint:

☒ Practitioners associated with the Customer Number 

OR

☐ Practitioner(s) named below:

| Name | Registration<br>Number | Name | Registration<br>Number |
|------|------------------------|------|------------------------|
|      |                        |      |                        |

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).**SIGNATURE of Applicant or Assignee of Record**

|                  |               |
|------------------|---------------|
| <b>Name</b>      | Wei Chen, CTO |
| <b>Signature</b> |               |
| <b>Date</b>      | 4/22/04       |
| <b>Telephone</b> | 760-929-6666  |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.



**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Jing MA et al.

Application No./Patent No.: 10/722,849 Filed/Issue Date: November 26, 2003

Entitled: ANTIBODIES SPECIFIC FOR CANCER ASSOCIATED ANTIGEN SM5-1 AND USES THEREOF

Symbigene Acquisition Co., Inc., a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. [x] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

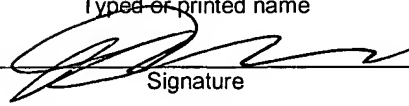
1. From: Jing MA and Yajun GUO To: Celvax, Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: Celvax, Inc. To: Symbigene Acquisition Co., Inc.  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

- [x] Copies of assignments or other documents in the chain of title are attached.  
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

4/22/04  
Date  
760 929-6666  
Telephone Number

Wei Chen  
Typed or printed name  
  
Signature  
CTO  
Title

# ASSIGNMENT JOINT

# COPY

THIS ASSIGNMENT, by Jing MA and Yajun GUO (hereinafter referred to as the assignors), residing at 12886 Ralston Circle, San Diego, California 94130 and New Research Building 11<sup>th</sup> Floor, 800 Xiang Yin Road, Shanghai 200433, People's Republic of China, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in ANTIBODIES SPECIFIC FOR CANCER ASSOCIATED ANTIGEN SM5-1 AND USES THEREOF, set forth in an application for Letters Patent of the United States, bearing Serial No. 10/722,849 and filed on November 26, 2003; and

WHEREAS, Celvax, Inc., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 4672 University Avenue, #A, San Diego, California 92105 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

|                  |           |
|------------------|-----------|
| 09/03/04<br>Date | Jing MA   |
| 09/03/04<br>Date | Yajun GUO |

## ASSIGNMENT

**COPY**

THIS ASSIGNMENT, by Celvax, Inc., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 4672 University Avenue, #A, San Diego, California 92105 (hereinafter referred to as the assignor), witnesseth:

WHEREAS, said assignor, is the sole owner by assignment from Jing MA and Yajun GUO on 09/03/04, of an application for Letters Patent of the United States, bearing Serial No. 10/722,849 and filed on November 26, 2003; entitled ANTIBODIES SPECIFIC FOR CANCER ASSOCIATED ANTIGEN SM5-1 AND USES THEREOF, and the inventions described therein; and

WHEREAS, Symbigene Acquisition Co., Inc., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 2701 Loker Avenue West, Suite 150, Carlsbad, California 92008 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignor has sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignor, had this sale and assignment not been made.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignor is the sole and lawful owner of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignor hereby covenants and agrees to and with said assignee, its successors, legal representatives and assigns, that said assignor will, whenever counsel of said assignee, or the counsel of its successor, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignor hereby requests the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

09/03/04      Jing ma  
 Date      Signature (On behalf of Celvax, Inc.)  
                  Jing ma  
                  Name: Jing Ma  
                  Title: CEO



## DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: ANTIBODIES SPECIFIC FOR CANCER ASSOCIATED ANTIGEN SM5-1 AND USES THEREOF, the specification of which is attached hereto unless the following box is checked:

☒ was filed on November 26, 2003 as United States Application Serial No. 10/722,849

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

| Application No. | Country | Date of Filing    | Priority Claimed?   |
|-----------------|---------|-------------------|---|
| 03129123.6      | China   | June 6, 2003      | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 200310119926.4  | China   | November 25, 2003 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Serial No. | Filing Date |
|------------------------|-------------|
|                        |             |

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to

patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| Application Serial No. | Filing Date | Status  |
|------------------------|-------------|---|
|                        |             | <input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned |

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

09/03/04  
Date

Jing Ma  
Name: Jing MA  
Residence: San Diego, California  
Citizenship: People's Republic of China  
Post Office Address: 12886 Ralston Circle, San Diego, California 94130

09/03/04  
Date

[Signature]  
Name: Yajun GUO  
Residence: Shanghai, China  
Citizenship: People's Republic of China  
Post Office Address: New Research Building 11<sup>th</sup> Floor, 800 Xiang Yin Road  
Shanghai 200433, People's Republic of China